

JEFFERSON COUNTY COMMISSIONERS
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TOM LYTHGOE, CHAIR

KEN WEBER

DAVE KIRSCH

**PROCEEDING OF THE BOARD OF COMMISSIONERS
COUNTY OF JEFFERSON, STATE OF MONTANA
June 30, 2009**

Present: Commissioners Weber and Kirsch; Craig Doolittle, County Sheriff; Harold Stepper, County Planner; Megan Bullock, County Sanitarian; Barbara Miller, National Affordable Housing Network; Marilyn McCauley, Doug Salsbury, Mark & Marilyn Vandolah
Absent: Commissioner Lythgoe

MINUTES

Commissioner Weber moved to approve the minutes of June 2. Commissioner Kirsch seconded. The motion carried.

Commissioner Weber moved to approve the minutes of June 9. Commissioner Kirsch seconded. The motion carried.

CORRESPONDENCE

An environmental assessment from Fish, Wildlife and Parks regarding installing electricity to the Lewis and Clark Caverns campground was read. FWP is requesting comments and will conduct a public hearing if requested. Commissioner Weber stated that the Commission commented negatively when this first came up, because it would compete with local businesses.

Task Order 38 from Great West regarding the TSEP PER for bridge evaluation and 2010 TSEP grant was presented for signature. Commissioner Weber moved to sign. Commissioner Kirsch seconded. The motion carried.

Task Order 40 from Great West for burn site permitting and design was presented for signature. Commissioner Weber said that he thinks that it was decided not to move forward with this project. Great West will be contacted about this.

Documents for the Moonlight Ridge RSID project were presented for signature. Commissioner Weber moved to sign. Commissioner Kirsch seconded. The motion carried.

Contracts from DPHHS for the Health Department were presented for signature. Commissioner
June 30, 2009 minutes.wpd

Weber moved to sign the contracts. Commissioner Kirsch seconded. The motion carried.

CALENDAR REVIEW

- 7/03 Holiday - County offices closed
- 7/06 Meeting with Larrey Lattin - 9:00
- 7/07 Meeting with Rod Caldwell - 4:00
- 7/08 Meeting regarding proposed fire regulations - 9:00
 - Department of Revenue conference call - 1:30
 - Elkhorn Working Group - 3:00
 - Zoning Commission - 4:00
 - Library Board - Boulder - 6:30

COMMISSION REPORTS

SOLID WASTE PUBLIC MEETING

Commissioner Kirsch reported that three Solid Waste public meetings regarding charging for tires and beetle kill trees were held in Montana City, Boulder and Whitehall. The Montana City meeting had the most public attendance, while the Boulder meeting had one person from the public and the Whitehall meeting had none.

VETERAN'S HOME SITING

Commissioner Weber reported that the Commission continues to meet with Larrey Lattin on Mondays at 9:00 to discuss strategies for our competition for siting of a VA Center in Jefferson County.

ITEMS FOR COMMISSIONERS ACTION OR REVIEW

OPEN AND AWARD BID FOR COURTHOUSE CARPET

Commissioner Lythgoe was contacted by phone. Three bids were presented for consideration. Commissioner Weber read the bids.

The bids were as follows:

Rick March	\$34,500
Floor Show	\$35,557 (second option)
Ace Hardware	\$32,330

Commissioner Lythgoe said that to compare all the bids evenly, they would need to use the second option from the first bid, from Rick March. Commissioner Weber stated that this is correct.

Commissioner Lythgoe moved to award the bid to Ace Hardware, using monies from the Intercap loan to pay for the work. Commissioner Weber seconded and noted that Commissioner Kirsch is abstaining from voting as his son owns Ace Hardware. The motion carried.

DISCUSS AND DECIDE ON LARGE GROUP FUNCTION PERMIT FOR ROCKING' THE RIVERS

Commissioner Weber asked if there is any difference this year from years past. Marilyn Vandolah stated that ticket sales are down from past years at this time by 20%, so she adjusted the attendance projections. Commissioner Weber asked if the application is complete. Marilyn stated that the traffic control plan is not yet in the application, as the business handling that had not yet submitted the plan to Lee Alt. This is in the works. Also, they have not yet decided who the alcohol provider will be, but this will be decided by the end of the week. Craig said that he has reviewed the application and has signed off on his portion of it, although not on the entire application. Also, Megan has signed off on her portion, pending alcohol provider.

Commissioner Weber noted that a solid waste issue has arisen. It is too late to make a change at this point, but he wanted to give them a heads up for future years. He said that Rockin' the Rivers has a contract with someone to haul garbage, but Jefferson County is the one that pays the tipping fees. They need to come up with a solution for this, to recoup those costs, so there may be an additional fee in the future. Marilyn thanked him for the heads up.

Commissioner Kirsch asked Craig about a communication problem he has heard mentioned. Craig said that the issue has been taken care of.

Commissioner Weber moved to sign the large group function for Rockin' the Rivers, contingent upon the MOU from MDT and the alcohol sales people have a valid license and get that information to Craig. Commissioner Kirsch seconded. The motion carried.

DISCUSS AND DECIDE ON REQUEST FROM BARBARA MILLER REGARDING NAHN LOAN

Barbara Miller, National Affordable Housing Network (NAHN), stated that work continues on the housing project in Boulder. They have a \$30,000 loan from the County that was used for gap funding for this project. The five homes are nearing completion and will be ready to move into soon. She stated that NAHN also had a \$70,000 loan for the Whitehall development, but the loan could not be attached to the property when the loan was taken. She is suggesting that the \$30,000 loan be extended and taken off of the Boulder property and re-filed against the Whitehall property. The idea is that the loan needs to be properly attached to the Whitehall property anyway, so it is a good time to take care of both of those items.

Harold said that the only thing he would add is the suggestion to keep them separate loans, but to have both of them attached to the Whitehall property. He also feels that the Whitehall loan should be extended several years as the Whitehall project will be built out in phases and is getting a slow start. Commissioner Weber said that he would have no problem doing that, and asked Barbara if she has any paperwork on this. Barbara said that the County typically draws up the loan documents.

Commissioner Weber said that the question before them today is to move the \$30,000 secured to the Boulder project and move it to the Whitehall project.

Commissioner Weber moved that they move both of the loans to NAHN and secure them to the Whitehall project and to extend the \$30,000 loan one year. Commissioner Kirsch seconded. The motion carried.

AWARD BID FOR LEGAL NEWSPAPER OF RECORD

Commissioner Weber said that the bids were opened at the previous meeting. There was a question at that time regarding a reporting requirement. This issue was settled after a consultation with the Clerk and Recorder.

Commissioner Weber moved to grant the legal paper of record contract to the Whitehall Ledger. Commissioner Kirsch seconded. The motion carried.

SIGN CONTRACT FOR LEGAL PAPER OF RECORD

The contract was presented for signature and will be forwarded to the *Ledger* for their signature before filing with the Clerk and Recorder.

RESOLUTION 19-2009 DISTRIBUTION OF METALLIFEROUS MINES LICENSE TAX

Commissioner Weber read the resolution as follows:

RESOLUTION 19-2009

DISTRIBUTION OF METALLIFEROUS MINES LICENSE TAX

WHEREAS, §15-37-117, MCA, requires that twenty-five percent (25%) of metalliferous mines license taxes, collected by the State under the authority of Title 15, Chapter 37, Part 1, MCA, be distributed to the county in which the mine is located; and

WHEREAS, § 15-37-117, MCA, requires the County Commissioners of such county to allocate those sums received by them, from said metalliferous mines license taxes collected by the State, as follows:

(1) Not less than forty percent (40%) to the County Hard Rock Mine Trust Reserve Account established under § 7-6-2225, MCA; and

(2) All money, not allocated to the said County Hard Rock Mine Trust Reserve Account, is to be allocated as follows:

(a) 33⅓% to the County Metal Mines Tax Reserve Account for planning or economic development activities;

(b) 33⅓% to the elementary school districts Metal Mines Tax Reserve Account, within the County, that have been affected by the development or operation of the metal mines; and,

(c) 33⅓% to the high school districts Metal Mines Tax Reserve Account within the County that have been affected by the development of operation of the metal mine; and

WHEREAS, there are several metalliferous mines located within the boundaries of Jefferson County; and

WHEREAS, Jefferson County government has recently received \$317,130.25 as its share of such metalliferous mines license taxes collected from the metalliferous mines within Jefferson County,

NOW, THEREFORE, BE IT RESOLVED by the Jefferson County Board of Commissioners as follows:

1. That forty percent (40%) of such total sum of \$317,130.25 shall be allocated to and placed in, the County Hard Rock Mine Trust Reserve Fund 2895 established under § 7-6-2225, MCA.

2. That all such sums, held in the above-referenced Hard Rock Mine Trust Reserve Fund and/or above-numbered fund(s) on behalf of the above-named school districts and Jefferson County, shall remain in such account and shall be properly accounted for under the appropriate fund number or numbers established for the same. Further, such sums shall be appropriated by the governing body of Jefferson County, and/or distributed thereby, only in accordance with the provision of § 7-6-2226, MCA.

3. That sixty percent (60%) of such total sum of \$317,130.25 shall be allocated to, and placed in, the County Metal Mines Tax Reserve Account established under § 7-6-2226, MCA.

4. That one-third (⅓) of the said sixty percent (60%) placed in the County Metal Mines Tax Reserve Account pursuant to the preceding Paragraph No. 3 shall be placed in Economic Development and Planning Account No. 2320. Such sums to be paid to said account (totaling at this time, the sum of \$63,426.05) shall only be used for planning or economic development activities.

5. That one-third (⅓) of the said sixty percent (60%), placed in the County Metal Mines Tax Reserve Account pursuant to the above Paragraph No. 3, shall be allocated and appropriated to the benefit of elementary school districts. Wherefore, the County Commission has decided that the distribution of the Tunnels license tax will be administered to Clancy receiving 55%, Boulder receiving 40%, and Basin receiving 5% of the one-third allocation of the said sixty percent (60%). There is also a distribution using a pro-rata basis determined from the license taxes collected from

all other mines within each such school district. Wherefore, the combined distributions shall be allocated and distributed to the following school districts which are affected by the development or operation of metal mines with an amount as follows:

(i) To the Cardwell Elementary School District No. 16, the total sum of \$17,868.88 to be placed in said School District's Account No. 7716;

(ii) To the Whitehall Elementary School District No. 4-47, the total sum of 17,868.87 to be placed in said School District's Account No. 7713;

(iii) To the Clancy Elementary School District No. 1, the total sum of \$15,228.56 to be placed in said School District's Account No. 7712;

(iv) To the Boulder Elementary School District No. 7, the total sum of \$11,075.32 to be placed in said School District's Account No. 7715;

(v) To the Basin Elementary School District No. 5, the total sum of \$1,384.42 to be placed in said School District's Account No. 7714;

6. That one-third ($\frac{1}{3}$) of the said sixty percent (60%), placed in the County Metal Mines Tax Reserve Account pursuant to the above Paragraph No. 3, shall be allocated and appropriated to the benefit of the following high school districts, affected by the development or operation of the several metal mines, on a pro-rata basis determined from the license taxes collected from the mine or mines within each such school district:

(i) To the Whitehall High School District No. 2, the total sum of \$35,737.75 to be placed in said School District's Account No. 7762;

(ii) To the Boulder High School District No 1, the total sum of \$27,688.30 to be placed in said School District's Account No. 7761.

DATED this 30th day of June, 2009.

ATTEST:

**BONNIE RAMEY
CLERK AND RECORDER**

TOMAS E. LYTHGOE, CHAIR

KEN WEBER, COMMISSIONER

DAVE KIRSCH, COMMISSIONER

Commissioner Weber moved to adopt the resolution. Commissioner Kirsch seconded. The motion carried.

CLAIMS APPROVAL

A list of claims was submitted for approval. All claims were approved as submitted. There was no discussion.

OPPORTUNITY FOR PUBLIC COMMENT

Marilyn McCauley stated that the bleacher bid had been given back to her at the last meeting so that she could review it with the engineer. Apparently what the engineer had done is call a contractor and give a verbal description of the project; the contractor never saw the plans. This is why the estimated cost was so far off. There is more involved with the cement work than what it seems at first, with a plain pad with a building on it. The framework has to be up on the whole building and then the bleachers are attached. She has talked to several of the local contractors, and it is a bigger project than a couple of them could handle. Marilyn said that she feels that they need to sit on this for the time being; she isn't willing to listen to what the engineer is estimating it should cost. She has put in a call for an estimate for the metal framework of the building and the cost to erect that framework. Marilyn said that when she gets an approximate cost for the framework, she would like to then go out for bid for the entire project – framework, concrete work and installation.

Commissioner Kirsch said that he checked with the County Attorney, and if you have an open bid and then go out shopping for bids, you are going against the law. The Fair Board needs to accept or decline the current bid before any more bids are sought. Commissioner Weber said that if we aren't going to move in that direction at this time, a letter needs to be sent to the bidder letting them know that their bid has not been accepted. His hope is that this can be dealt with during the budget cycle.

Doug Salsbury stated that he met with the Madison County Commissioners two weeks ago. The first issue that he discussed with them is the Rural Fire District. In 2006 a 5- mill levy was passed to fund the fire district, but this was not implemented in Madison County. Also, he is on the TV District Board, and several years ago the TV fee was dropped from \$20 to \$15. Madison County is still charging \$20. They need something from Jefferson County showing that the fee has been changed in Jefferson County.

Commissioner Weber said that he will follow up on these issues.

Commissioner Kirsch moved to adjourn. Commissioner Weber seconded. The motion carried.

MEETING ADJOURNED

ATTEST:

**BONNIE RAMEY
CLERK AND RECORDER**

TOMAS E. LYTHGOE, CHAIR

KEN WEBER, COMMISSIONER

DAVE KIRSCH, COMMISSIONER